

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6311-Cr-Huck
(Magistrate Garber)

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CLERK'S OFFICE
MAY 2001

UNITED STATES OF AMERICA,

Plaintiff,

vs

CLARENCE LARK, et al,

Defendants.

UNOPPOSED

MOTION TO MODIFY TERMS OF RELEASE

The Defendant, Clarence Lark, by and through his undersigned attorneys hereby moves this Honorable Court to modify the terms of his release so as to eliminate the condition of house arrest and would show unto the Court the following:

1. Defendant was arrested on November 6, 2000. The Defendant was released on bond with the following conditions: a \$500,000 personal surety bond secured by real estate pledged by himself, his wife, mother and daughter, as well as a \$100,000 corporate surety bond with a Nebbia condition that was met. The defendant was also required to report to Pretrial Services by phone three times per week and to be subject to home confinement with permission for medical treatment.

2. Pretrial Services recommended a percentage bond, co-signed by the Defendant, his wife, mother and sisters and restriction to the Southern District of Florida, as well as surrender of all travel documents, in addition to reporting to Pretrial Services.

3. The Defendant is on disability and does not work. However, he regularly cares for his two grandchildren and performs household duties, including maintaining the house and making household purchases.

4. The Defendant was born in Orlando in 1943 and has lived in Florida most of his life. He has significant family ties to South Florida, including his wife, 73 year old mother, and two sisters. He has resided in the same house since 1967. He was Honorable Discharged from the military and is neither a risk of flight nor danger to the community.

5. Subsequent to the defendant's arrest, his mother, Blonnie Lenon, suffered a stroke. She can no longer drive and needs her son to help her go to medical appointments and help with her household tasks.

6. In order to insure the defendant's immediate release, at the time of the bond hearing, counsel agreed to home confinement. However, we would assert that there is no necessity for this for the following reasons:

- a. Mr. Lark has a fully secured bond of \$500,000 in real estate, as well as a \$100,000 corporate surety.
- b. Due to Mr. Lark's medical condition which involves an extremely serious infection requiring intravenous antibiotics on a daily basis, he is unable to travel.
- c. At no time has Mr. Lark been connected with violence and is no danger to the community.
- d. The defendant has not been an active member of the union or

permitted to deal in union affairs since March 3, 1996.

e. The defendant has abided by all conditions of bond to date and is prepared, if necessary, to report in person to Pretrial Services on a weekly basis.

7. Undersigned counsel has conferred with AUSA Mike Dittoe who has advised that he is unopposed to the instant motion provided that an evening curfew be imposed as follows: Monday through Friday - 8:00 p.m. - 8:00 a.m.; Saturday and Sunday - 7:00 p.m. - 9:00 a.m.

WHEREFORE, the Defendant requests that the terms of release as to the Defendant Lark be modified as follows: the condition of home confinement be vacated with the provision that the Defendant have an evening curfew of Monday through Friday, 8:00 p.m. - 8:00 a.m.; Saturday and Sunday, 7:00 p.m. - 9:00 a.m.

Respectfully submitted,

**BIERMAN, SHOHAT,
LOEWY & KLEIN P.A.**
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DONALD I. BIERMAN
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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by mail this 24th day of January 2001 to Michael Dittoe, Esquire, Assistant United States Attorney, 500 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33394.



Donald I. Bierman